

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the  
Commonwealth, HTA, and ERS.**

**CERTIFICATE OF NO OBJECTION AND  
REQUEST FOR ENTRY, WITHOUT A HEARING, OF  
ORDER GRANTING SEVENTY-FOURTH OMNIBUS OBJECTION  
(SUBSTANTIVE) OF THE COMMONWEALTH OF PUERTO RICO, PUERTO RICO  
HIGHWAYS AND TRANSPORTATION AUTHORITY, AND EMPLOYEES  
RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF  
PUERTO RICO TO CLAIMS BASED ON INVESTMENTS IN MUTUAL FUNDS  
(DOCKET ENTRY NO. 8701)**

On September 12, 2019, the Commonwealth of Puerto Rico (the “Commonwealth”), the Puerto Rico Highways and Transportation Authority (“HTA”), and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), by and through the

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5532-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the representative of the Commonwealth, HTA, and ERS, pursuant to Section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),<sup>2</sup> filed, among others, the *Seventy-Fourth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico, Puerto Rico Highways and Transportation Authority, and Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Claims Based on Investments in Mutual Funds* (Case No. 17-03283-LTS, Docket Entry No. 8701) (the “Seventy-Fourth Omnibus Objection”).

Responses, if any, to the Seventy-Fourth Omnibus Objection were to be filed and served no later than October 15, 2019 at 4:00 p.m. (Atlantic Time) (the “Objection Deadline”). According to this Court’s *Tenth Amended Case Management Procedures* (Case No. 17-03283-LTS, Docket Entry No. 8027-1) (the “Case Management Procedures”) and *Order Further Amending Case Management Procedures* (Case No. 17-03283-LTS, Docket Entry No. 8027), the Court may enter an order granting a request for relief without a hearing upon receipt of a certificate of no objection (“CNO”, as defined by the Case Management Procedures). *See* Case Management Procedures, Section III, paragraph P.

In accordance with the Case Management Procedures, the undersigned hereby certifies that this CNO is filed not less than forty-eight (48) hours after the expiration of the Objection Deadline. The undersigned further certifies that counsel for the Oversight Board has reviewed the Court’s docket in the above-captioned case not less than forty-eight (48) hours after expiration of the Objection Deadline, and, to the best of counsel’s knowledge, no applicable objection, responsive pleading, or request for a hearing with respect to the Objection appear on the docket.

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<sup>2</sup> PROMESA has been codified at 48 U.S.C. §§ 2101–2241.

WHEREFORE the Commonwealth, HTA, and ERS respectfully requests that the Court enter the proposed order attached hereto as **Attachment 1**.

Dated: October 29, 2019  
San Juan, Puerto Rico

Respectfully submitted,

/s/ Martin J. Bienenstock

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**Attachment 1**

**Proposed Order**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the  
Commonwealth, HTA, and ERS.**

ORDER GRANTING SEVENTY-FOURTH  
OMNIBUS OBJECTION (SUBSTANTIVE) OF THE  
COMMONWEALTH OF PUERTO RICO, PUERTO RICO HIGHWAYS AND  
TRANSPORTATION AUTHORITY, AND EMPLOYEES RETIREMENT SYSTEM OF THE  
GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO TO CLAIMS BASED ON  
INVESTMENTS IN MUTUAL FUNDS

*Upon the Seventy-Fourth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico, Puerto Rico Highways and Transportation Authority, and Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Claims Based on Investments*

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA", and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the "Debtors") (Bankruptcy Case No. 19-BK-5532-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

*in Mutual Funds* (Docket Entry No. 8701, the “Seventy-Fourth Omnibus Objection”),<sup>2</sup> dated September 12, 2019, of the Commonwealth of Puerto Rico (the “Commonwealth”), Puerto Rico Highways and Transportation Authority (“HTA”), and Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), for entry of an order disallowing in their entirety certain claims filed against Commonwealth, as more fully set forth in the Seventy-Fourth Omnibus Objection and supporting exhibits thereto; and the Court having jurisdiction to consider the Seventy-Fourth Omnibus Objection and to grant the relief requested therein pursuant to PROMESA section 306(a); and venue being proper pursuant to PROMESA section 307(a); and due and proper notice of the Seventy-Fourth Omnibus Objection having been provided to those parties identified therein, and no other or further notice being required; and no response or objection to the Seventy-Fourth Omnibus Objection having been interposed; and the Court having determined that the claims identified in Exhibit A hereto seek recovery of amounts for which the Commonwealth is not liable; and the Court having determined that the relief sought in the Seventy-Fourth Omnibus Objection is in the best interests of the Commonwealth, its creditors, and all the parties in interest; and the Court having determined that the legal and factual bases set forth in the Seventy-Fourth Omnibus Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the Seventy-Fourth Omnibus Objection is GRANTED as set forth herein; and it is further

ORDERED that the claims identified in Exhibit A hereto are hereby disallowed in their entirety; and it is further

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<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Seventy-Fourth Omnibus Objection.

ORDERED that Prime Clerk, LLC, is authorized and directed to delete the claims identified in Exhibit A hereto from the official claims register in the Title III Case; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

SO ORDERED.

Dated: \_\_\_\_\_

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Honorable Judge Laura Taylor Swain  
United States District Judge